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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
IQBAL, NADEEM	

ART UNIT	PAPER NUMBER
2114	

DATE MAILED: 04/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/845,658	SHAVIT, NIR N.	
	Examiner	Art Unit	
	Nadeem Iqbal	2114	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *30 April 2001*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-15* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-15* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No: _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *Mar 11, 05, Jun 01*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Moriyasu et al., (U.S. Patent number 5699512).

3. As per claim 1, Moriyasu et al. (Moriyasu) teaches (col. 1, lines 50-53) distributedly storing software parts dividing the software to be used at the user terminal in the user terminal and the center; requesting the software parts stored in the center from the user terminal at each time of a use of the software at the user terminal. He thus teaches limitations pertain to executing the original computer program with a first portion of the original program executing in a first processor located at a first processing site and a second portion of the original program in a second different processor. He also teaches (col. 1, lines 54-56) transmitting the software parts stored in the center to the user terminal in response to a request from the user terminal and loading the software parts transmitter from the center into the missing parts among the software parts stored in the user terminal on a memory so as to make the software operable at the user terminal. He thus teaches limitations pertain to provide to a first program for execution at the first processing site and an associated second program for execution at the second processing site, the second program includes portions of the original computer program. He also teaches (col. 1, lines 60-62) changing an arranged pattern of the software as developed on the memory at

each time of a use of the software at the user terminal; and operating the software as developed on the memory at the user terminal. He thus teaches limitations pertain to responsive to communications provided thereto by the first program executing at the first processing site, the server program provide information over the network to the first processing site allowing the first program executing at the first processing site to re-create the functionality of the original computer program.

4. As per claim 2, He teaches (col. 1, lines 50-53) distributedly storing software parts dividing the software to be used at the user terminal in the user terminal and the center; requesting the software parts stored in the center from the user terminal at each time of a use of the software at the user terminal. He thus teaches limitations pertain to original computer program to extract a plurality of different second programs from the original program to provide a like plurality of different first programs. He also teaches (col. 1, lines 54-56) transmitting the software parts stored in the center to the user terminal in response to a request from the user terminal and loading the software parts transmitter from the center into the missing parts among the software parts stored in the user terminal on a memory so as to make the software operable at the user terminal. He thus teaches limitations pertain to a plurality of communication paths, utilizing the associated second program portion, server program manages the communication between the first program and the second program.

5. As per claim 3, Moriyasu teaches (col. 1, lines 50-53) distributedly storing software parts dividing the software to be used at the user terminal in the user terminal and the center; requesting the software parts stored in the center from the user terminal at each time of a use of the software at the user terminal. He thus teaches limitations pertain to executing the first

program corresponding to a first portion of an original computer program, and a second processor located at the second processing site which is physically separated from the first processing site, the second processor for executing a second program corresponding to a second portion of the original program. He also teaches (col. 1, lines 54-56) transmitting the software parts stored in the center to the user terminal in response to a request from the user terminal and loading the software parts transmitter from the center into the missing parts among the software parts stored in the user terminal on a memory so as to make the software operable at the user terminal. He thus teaches limitations pertain to a communication network coupled between the first and second processing sites through which the first processor communicates with the second processor. He also teaches (col. 1, lines 60-62) changing an arranged pattern of the software as developed on the memory at each time of a use of the software at the user terminal; and operating the software as developed on the memory at the user terminal. He thus teaches limitations pertain to means for transmitting information between the first processor and the second processor over the communication network.

6. As per claim 4, Moriyasu teaches (col. 1, lines 54-56) transmitting the software parts stored in the center to the user terminal in response to a request from the user terminal and loading the software parts transmitter from the center into the missing parts among the software parts stored in the user terminal on a memory so as to make the software operable at the user terminal.

7. As per claim 5, He teaches as stated per claim 3 above distributedly storing software parts dividing the software to be used at the user terminal in the user terminal and the center; requesting the software parts stored in the center from the user terminal at each time of a use of

the software at the user terminal. He thus teaches limitations pertain to first processing site corresponds to first lessee site, plurality of lessee sites having first program adapted to execute, the second processing site corresponds to a vendor site, and vendor server program communicates with the first program.

8. As per claim 6, He teaches as stated above, transmitting the software parts stored in the center to the user terminal in response to a request from the user terminal and loading the software parts transmitted from the center into the missing parts among the software parts stored in the user terminal on a memory so as to make the software operable at the user terminal. Therefore the second processing site comprises means for controlling the first program executing at the first processing site by stopping and starting communications between the first and second programs.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

10. Claims 7-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moriyasu et al., (U.S. Patent number 5699512).

11. As per claim 7, Moriyasu does not explicitly disclose mean for halting the execution of the first program at the first processing site. He teaches loading the software parts transmitted from the center into the missing parts among the software parts stored in the user terminal on a memory so as to make the software operable at the user terminal. It would have been obvious to

a person of ordinary skill in the art at the time the invention was made to realize that He includes means for halting the execution of the first program, since he transmits from the center into the missing parts among the software parts stored in the user terminal on a memory so as to make the software operable at the user terminal, therefore includes the capability to halt the execution of the first program by not transmitting into the missing parts among the software at the user terminal.

12. As per claim 8, He teaches as stated above transmitting the software parts stored in the center to the user terminal in response to a request from the user terminal and loading the software parts transmitted from the center into the missing parts among the software parts stored in the user terminal. Therefore communication between the first program and the second program across the communications network is input dependent.

13. As per claim 9, Moriyasu substantially teaches the claimed invention as disclosed related to claim 3 above. He also teaches (col. 1, lines 50-53) distributedly storing software parts dividing the software to be used at the user terminal in the user terminal and the center; requesting the software parts stored in the center from the user terminal at each time of a use of the software at the user terminal. He thus teaches limitations pertain to executing at the first processing site, program corresponding to a first portion of an original computer program, and a second processor located at the second processing site which is physically separated from the first processing site, the second processor for executing a second program corresponding to a second portion of the original program. He also teaches (col. 1, lines 54-56) transmitting the software parts stored in the center to the user terminal in response to a request from the user terminal and loading the software parts transmitter from the center into the missing parts among

the software parts stored in the user terminal on a memory so as to make the software operable at the user terminal. He thus teaches limitations pertain to a communication network coupled between the first and second processing sites through which the first processor communicates with the second processor. He also teaches (col. 1, lines 60-62) changing an arranged pattern of the software as developed on the memory at each time of a use of the software at the user terminal; and operating the software as developed on the memory at the user terminal. He thus teaches limitations pertain to means for transmitting information between the first processor and the second processor over the communication network. He does not explicitly discloses the first processor operating at a first bus speed, and the communications network operating at a third speed wherein the third speed is slower than the speed at which the first and second buses operate. It would have been obvious to a person of ordinary skill in the art to realize that processor bus operating speeds are much higher than the communications network operating speed, this fact is very well know in the art of computer systems.

14. As per claims 10 & 11, Moriyasu teaches loading the software parts transmitted from the center into the missing parts among the software parts stored in the user terminal on a memory so as to make the software operable at the user terminal. It would have been obvious to a person of ordinary skill in the art to realize that the second processing site comprises means for controlling the first program executing at the fist processing site by stopping and starting communications as claimed. This is because he transmits from the center into the missing parts among the software parts stored in the user terminal on a memory so as to make the software operable at the user terminal, therefore includes the capability to halt the execution of the first program by not transmitting into the missing parts among the software at the user terminal.

15. As per claim 12, Moriyasu teaches (col. 1, lines 54-56) transmitting the software parts stored in the center to the user terminal in response to a request from the user terminal and loading the software parts transmitted from the center into the missing parts among the software parts stored in the user terminal on a memory so as to make the software operable at the user terminal.

16. As per claim 13, Moriyasu teaches (col. 1, lines 50-53) distributedly storing software parts dividing the software to be used at the user terminal in the user terminal and the center. He thus provides a first program and a second program.

17. As per claim 14, He teaches transmitting the software parts stored in the center to the user terminal in response to a request from the user terminal and loading the software parts transmitted from the center into the missing parts among the software parts stored in the user terminal. He thus executes a vendor server program, utilizes the second program and communicates with the first program.

18. As per claim 15, He teaches as stated per claim 3 above distributedly storing software parts dividing the software to be used at the user terminal in the user terminal and the center; requesting the software parts stored in the center from the user terminal at each time of a use of the software at the user terminal. He thus teaches limitations pertain to first processing site corresponds to first lessee site, plurality of lessee sites having first program adapted to execute, the second processing site corresponds to a vendor site, and vendor server program communicates with the first program.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nadeem Iqbal whose telephone number is (571)-272-3659. The examiner can normally be reached on M-F (8:00-5:30) First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert W. Beausoliel can be reached on (571)-272-3645. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nadeem Iqbal
Primary Examiner
Art Unit 2114

NI